

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 2795

John Stark

Date: August 20, 2010

Serial No.: 10/561,317

Group Art Unit: 3746

Filed: December 20, 2005

Examiner: Leonard J. Weinstein

For: DOUBLE CONE FOR GENERATION OF A PRESSURE DIFFERENCE

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Sir:

In compliance with the requirements in the Interview Summary mailed on July 23, 2010 in the above-identified application that Applicant file a Statement of the Substance of the Interview, that statement follows.

Applicant's representative conducted a telephonic interview with the Examiner on July 21, 2010.

Initially, during the interview, Applicant's representative asked the Examiner whether he had any suggestions to advance prosecution of the application and he replied in the affirmative. The Examiner indicated that allowable subject matter could be produced by incorporating claim 16 into claim 9 and further amending the resultant claim with subject matter from the first full paragraph of page 11 of the specification. In particular, he suggested further amending combined claims 9 and 16 by providing that the flow profile of claim 16 is such that no drastic change in the flow profile occurs and that the improved flow profile reduces the wear and tear of the double cone device.

However, Applicant's representative proposed an alternative amendment to claim 9. Applicant's representative argued that there was a distinction between the cited references of Smith, U.S. Patent No. 5,697,361, and Zindl et al., U.S. Patent No. 6,899,198 B2, and claim 9. Applicant's representative argued that Smith and Zindl et al. were directed toward mufflers which prevent the spreading of noise, whereas claim 9 was directed toward the reduction of noise levels generated by the double cone device. Applicant's representative proposed amending claim

9 to provide for the reduction of generation of noise levels during operation of the cone device. However, the Examiner was still not convinced by such an amendment.

In response, Applicant's representative offered to more specifically amend claim 9 to provide that the noise generated by a flow profile of the fluid flowing through the double cone device is reduced by the continuous geometry of the double cone device. Applicant's representative argued that, in contrast, Smith and Zindl et al. were not directed towards the reduction of noise generated by a flow profile in a double cone device. The Examiner refused to commit himself regarding whether such a claim would be allowable.

During the interview, the Examiner indicated that he had the impression from Applicant's previously filed arguments that the range of pore sizes in the range of 50-500 μm produced a reduction of noise. Applicant's representative admitted that such an impression was not out of the question. Nevertheless, Applicants' representative stated that the claimed range of hole sizes was, on one hand, to make the holes small enough so that the holes would not interfere with the smoothness of the walls of the double cone device, that interference causing turbulence in the flow profiles in the double cone device and preventing those flow profiles from remaining in contact with the walls of the double cone device, and, on the other hand, not to make the holes so small as to reduce the suction capacity.

The Examiner indicated that a Request for Continued Examination would be necessary for him to consider any of the amendments discussed during the interview.

Respectfully submitted,

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